

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

NETLIST, INC.,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 2:22-cv-203-JRG
)	
MICRON TECHNOLOGY, INC.; MICRON)	JURY TRIAL DEMANDED
SEMICONDUCTOR PRODUCTS, INC.;)	
MICRON TECHNOLOGY TEXAS LLC,)	
)	
Defendants.)	
)	

**DEFENDANTS' THIRD NOTICE OF DETERMINATIONS
INVALIDATING PATENTS-IN-SUIT**

Pursuant to this Court's Standing Order Requiring Notice of Relevant Determinations from Related Proceedings, Defendants respectfully file this notice of recent events. Today, the Patent Trial and Appeal Board ("PTAB") determined that all asserted claims in U.S. Patent Nos. 8,787,060 and 9,318,160 are unpatentable.¹ The PTAB previously determined that all claims of U.S. Patent Nos. 11,016,918, 11,232,054, 10,860,506 and 10,949,339 were unpatentable. Taken together all patent claims asserted against Micron's accused products have been determined unpatentable.

The status of *inter partes* review challenges for the asserted patents are as follows:

Asserted Patent	Status
U.S. Patent No. 10,860,506	All claims found invalid in IPR2023-00205 on October 17, 2023.

¹ *Micron Tech., Inc., et. al. v. Netlist, Inc.*, IPR2022-01428, Paper 48 (PTAB April 1, 2024) (determining claims 1–34 of the '060 patent to be unpatentable) (Rueckheim Decl., Ex. A); *Micron Tech., Inc., et. al. v. Netlist, Inc.*, IPR2022-01427, Paper 48 (PTAB April 1, 2024) (determining claims 1–20 of the '160 patent to be unpatentable) (Rueckheim Decl., Ex. B).

	Netlist informed the Court on October 23, 2023 that it is no longer pursuing infringement of any claim in '506 patent.
U.S. Patent No. 10,949,339	All claims found invalid in IPR2023-00204 on October 18, 2023. Netlist informed the Court on October 23, 2023 that it is no longer pursuing infringement of any claim in '339 patent.
U.S. Patent No. 11,232,054	All claims found invalid in IPR2023-00405 on December 5, 2023. The PTAB denied Netlist's request for director review of the final written decision on March 18, 2024.
U.S. Patent No. 11,016,918	All claims found invalid in IPR2023-00406 on December 6, 2023. The PTAB denied Netlist's request for director review of the final written decision on March 18, 2024.
U.S. Patent No. 8,787,060	All claims found invalid in IPR2022-01428 on April 1, 2024.
U.S. Patent No. 9,318,160	All claims found invalid in IPR2022-01427 on April 1, 2024.

The case is currently stayed “pending the PTAB’s written decisions in IPR2022-01427 and IPR2022-01428, or until further order from this Court.” *See* Dkt. No. 493. To the extent that Netlist intends to appeal the PTAB results, the case should remain stayed during the pendency of those appeals for numerous reasons, including the “risk[of] an inefficient consumption of limited judicial resources” as noted in the Court’s Order granting stay. *Id.*, 2. Micron will meet and confer with Netlist to determine if the parties can present a joint filing for the Court to consider with respect to maintaining the current stay through appeals (if any).

Dated: April 1, 2024

Respectfully submitted,

/s/ Michael R. Rueckheim

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CERTIFICATE OF SERVICE

I certify that, on April 1, 2024, a copy of the foregoing was served on all counsel of record via the Court's ECF system and email.

/s/ Michael R. Rueckheim
Mike Rueckheim